

# **ATTACHMENT C**

**PC Resolution No. 2016-18**

**Change of Zone 14-0002**

**PC RESOLUTION NO. 2016-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0002) TO REMOVE THE MIXED-USE OVERLAY DISTRICT FROM THE ENTIRE SITE AND TO CHANGE THE EXISTING ZONING DESIGNATION ON A PORTION OF THE SITE FROM SCENIC HIGHWAY COMMERCIAL (C-P-S) TO R-3 (GENERAL RESIDENTIAL) AND TO R-4 (PLANNED RESIDENTIAL) TO ACCOMMODATE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) LOCATED AT THE NORTHWEST CORNER OF BAXTER ROAD AND I-15 FREEWAY (APN: 367-180-015 & 367-180-043)**

**WHEREAS**, the Planning Department has received a Change of Zone (PA No. 14-0002) to remove the Mixed-Use Overlay District (MU-O) from the entire site and to change the existing zoning designation on a portion of the site from Scenic Highway Commercial (C-P-S) to R-3 (General Residential) and R-4 (Planned Residential) to accommodate proposed mixed-use project from:

Applicant/Owner:	Strata Baxter, LLC (Eric Flodine, Project Manager)
Project Location:	Northwest corner of I-15 Freeway and Baxter Road
APN:	367-180-015 & 367-180-043
Project Area:	35.48± acres

**WHEREAS**, the Planning Commission of the City of Wildomar, California, has the authority to review the proposed Baxter Village Mixed-Use Change of Zone No. 14-0002 as proposed in accordance with the California Government Code, Sections 65853 and 65854, and the City of Wildomar Municipal Code, Title 17, Section 17.280.040; and

**WHEREAS**, the proposed Baxter Village Mixed-Use Project is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and

**WHEREAS**, the Planning Director determined that there was substantial evidence that the Baxter Village Mixed-Use Development project may have one or more significant effects on the environment and that preparation of an Environmental Impact Report (“EIR”) was therefore warranted under Public Resources Code § 21080(d) and CEQA Guideline 15060(d); and,

**WHEREAS**, the Planning Department on December 15, 2014 provided a Notice of Preparation (NOP) for the Baxter Village Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began on December 15, 2014 and concluded on January 19, 2015 in accordance with Section

15082 of the CEQA Guidelines during which time the City received four (4) agency/public comments; and

**WHEREAS**, the Planning Department conducted a public scoping meeting concerning the proposed project and Draft EIR on January 12, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, due to changes to the proposed project, the Planning Department on June 11, 2015 prepared and circulated a 2<sup>nd</sup> Notice of Preparation (NOP) notifying the public of the revised NOP resulting from changes to the proposed Baxter Village project. This began a 2<sup>nd</sup> 30-day public review/comment period that began on June 11, 2015 and concluded on July 10, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received four (4) agency/public comments; and

**WHEREAS**, the Planning Department conducted a 2<sup>nd</sup> public scoping meeting concerning the proposed project and Draft EIR on June 29, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

**WHEREAS**, upon completion of the Draft EIR, the City provided a Notice of Completion (NOC) to the State Clearinghouse (OPR) on December 30, 2015 notifying the State of the availability of the Baxter Village Mixed-Use development project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

**WHEREAS**, on December 30, 2015, the Planning Department published Notice of Availability (NOA) in the "Press Enterprise," a local newspaper of general circulation, giving notice to the general public and all interested parties requesting said notice regarding public review of the Baxter Village Mixed-Use Draft EIR; and

**WHEREAS**, the Draft EIR for the Baxter Village Mixed-Use Development project was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines §15087 and §15105(a) for a period of not less than 45 days commencing on December 30, 2015 and concluding on February 12, 2016, and which said notice and project DEIR was posted at Wildomar City Hall Planning Department and the City of Wildomar Environmental Documents Center website; and

**WHEREAS**, at the conclusion of the 45-day public review/comment period, the Planning Department received seven (7) public comment letters on the Baxter Village Mixed-Use Development project Draft EIR; and

**WHEREAS**, the Planning Department has prepared a Final EIR for the Baxter Village Mixed-Use Development project in accordance with CEQA Guidelines, which includes responses to each of the seven (7) public comment letters received during the 45-day public review/comment period, and which the Final EIR was provided to each

commenter at least 10 days prior to the June 1, 2016 Planning Commission meeting in accordance with CEQA Guidelines; and

**WHEREAS**, in accordance with Government Code Sections 65854, and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on May 18, 2016 gave public notice by mailing a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for the Change of Zone 14-0002 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Sections 65854, and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on May 20, 2016 published a legal notice in the "Press Enterprise," a local newspaper of general circulation, in compliance with State law notifying the general public of the holding of a public hearing for Change of Zone No. 14-0002 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, in accordance with Government Code Section 65854 and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on June 1, 2016, at which time all interested persons had an opportunity to testify in support of, or opposition to, the proposed Change of Zone, and at which time the Planning Commission received public testimony concerning Change of Zone No. 14-0002.

**NOW, THEREFORE**, the Planning Commission of the City of Wildomar does hereby resolve, determine and order as follows:

**SECTION 1. CEQA.**

The approval of Change of Zone No. 14-0002 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on June 1, 2016, at a duly noticed public hearing, the Planning Commission recommended to the City Council certification of an Environmental Impact Report reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed Baxter Village Mixed-Use project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

**SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

### **SECTION 3. ZONE CHANGE FINDING.**

In accordance with the State of California, Government Code Sections 65855 and Chapter 17.280 of the Wildomar Zoning Ordinance, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, recommend the City Council find and determine as follows:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: The applicant is proposing to amend the general plan land use designations for the project site to CR, MHDR and VHDR to accommodate the commercial retail and single-family / multi-family residential development sites. The proposed zone changes to C-P-S, R-3 and R-4 for the Baxter Village Mixed-Use project, upon approval of the proposed GPA, will be consistent with, and implements, the following goals and polices of the General Plan:

- LU 2.1 The proposed commercial retail portion of the project will accommodate a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map proposed for the subject site.
- LU 4.1 The proposed commercial retail portion of the project will accommodate a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed commercial retail portion of the project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail portion of the project is properly located and designated for commercial development in accordance with the General Plan.
- LU23.6 The proposed commercial portion of the project will have proper mitigation measures to protect the neighboring residential areas from Noise, light, fumes, odors, vehicular traffic , parking and operational hazards.
- LU23.7 The proposed project will be served by water and sewer along provided by EVMWD to meet the project demands.
- LU 23.8 The proposed land use amendment will provide needed services and jobs for the Wildomar community in accordance with the General Plan.

- H-1.1 The proposed single family and multi-family project areas will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed single family and multi-family project areas will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

**SECTION 4. PLANNING COMMISSION ACTION.**

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2016-18 recommending City Council adoption of an Ordinance (attached hereto and incorporated herein by reference as Exhibit 1) approving Change of Zone No. 14-0002 as depicted on Exhibit 1 to the Ordinance.

**PASSED, APPROVED AND ADOPTED** this 1st day of June 2016, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Veronica Langworthy  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica L. Vega  
Assistant City Attorney

**ATTACHMENT C - EXHIBIT 1**

**Draft City Council Ordinance for  
Change of Zone No. 14-0002**

**DRAFT ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0002) TO REMOVE THE MIXED-USE OVERLAY DISTRICT FROM THE ENTIRE SITE AND TO CHANGE THE EXISTING ZONING DESIGNATION ON A PORTION OF THE SITE FROM SCENIC HIGHWAY COMMERCIAL (C-P-S) TO R-3 (GENERAL RESIDENTIAL) AND TO R-4 (PLANNED RESIDENTIAL) TO ACCOMMODATE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) LOCATED AT THE NORTHWEST CORNER OF BAXTER ROAD AND I-15 FREEWAY (APN: 367-180-015 & 367-180-043)**

**THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA**

The approval of Change of Zone No. 14-0002 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on \_\_\_\_\_, 2016, at a duly noticed public hearing, the City Council adopted an Environmental Impact Report (EIR) and Mitigation Monitoring & Reporting Program for Change of Zone No. 14-0002 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

**SECTION 2. Multiple Species Habitat Conservation Plan (MSHCP)**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

**SECTION 3. Change of Zone Findings**

In accordance with the State of California, Government Code 65856 and 65857 and Chapter 17.280 of the Wildomar Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: The applicant is proposing to amend the general plan land use designations for the project site to CR, MHDR and VHDR to accommodate the commercial retail and single-family / multi-family residential development sites. The proposed zone changes to C-P-S, R-3 and R-4 for the Baxter Village Mixed-Use project, upon approval of the proposed GPA, will be consistent with, and implements, the following goals and polices of the General Plan:

- LU 2.1 The proposed commercial retail portion of the project will accommodate a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map proposed for the subject site.
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- H-1.1 The proposed single family and multi-family project areas will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed single family and multi-family project areas will utilize energy conservation measures in that each enclosed garage space

has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

**SECTION 4: Amendment to the Zoning Map**

The City Council, based on the findings above, hereby approves a change to the City of Wildomar Zoning Map for the Baxter Village Mixed-Use project located at the northwest corner of the I-15 Freeway and Baxter Road, otherwise known as APN's: 367-180-015 & 367-180-043, as illustrated in Exhibit 1 of this Ordinance.

**SECTION 5. Effective Date of the Ordinance.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**SECTION 6 Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 7. City Clerk Action**

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Bridgette Moore  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

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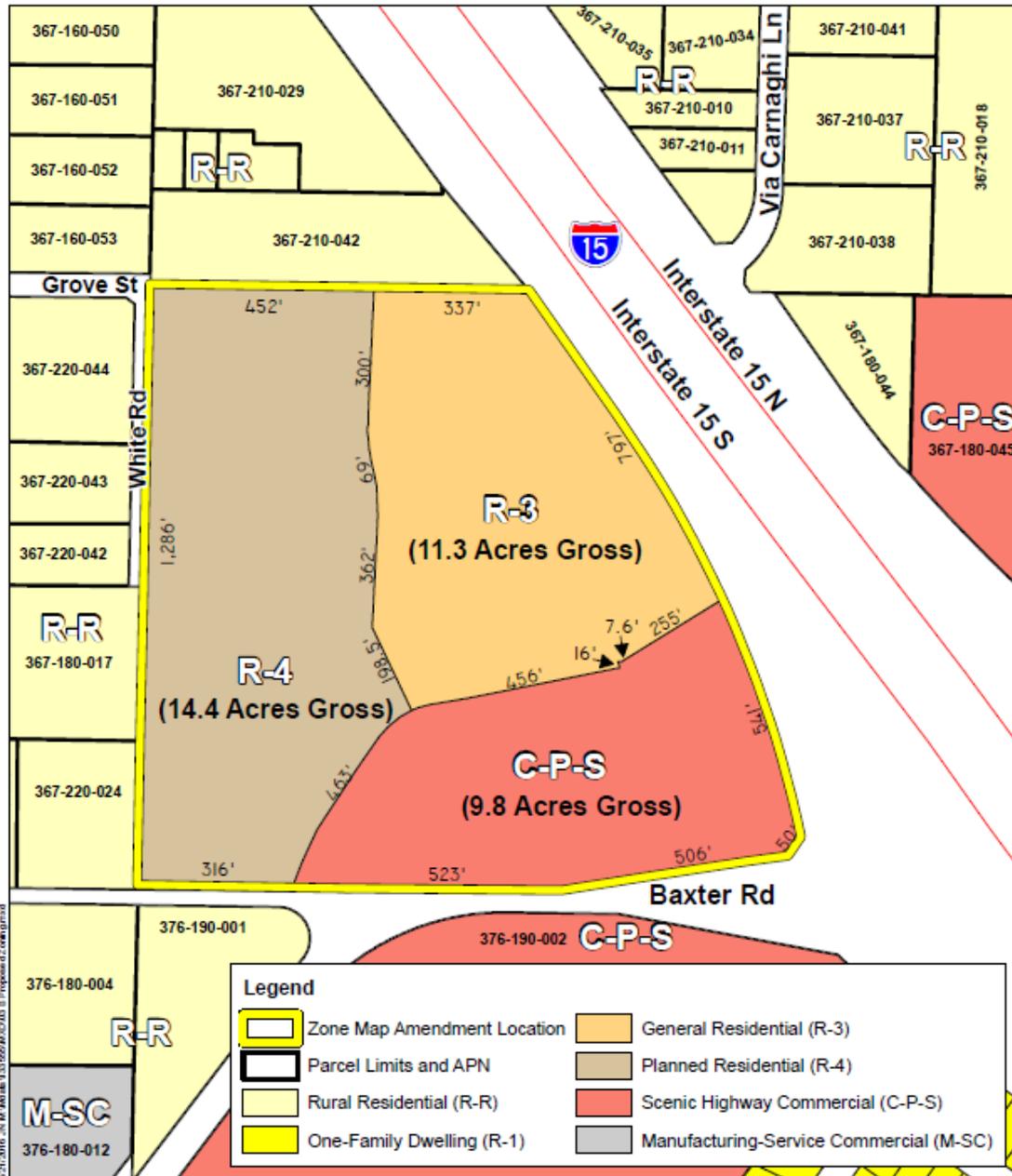
Thomas D. Jex  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

# EXHIBIT 1

## Zone Change Boundary Exhibit



Planning Application No. 14-0002  
 Tentative Tract Map No. 36674  
 APPLICANT / LANDOWNER:  
 STRATA BAXTER, LLC